McDANIEL,
HIXON,
LONGWELL &
ACORD, PLLC
ATTORNEYS AND COUNSELORS

320 S. Boston Ave.
Suite 700
Tulsa, Oklahoma 74103

- Office: (918) 382-9200
- Facsimile: (918) 382-9282

FOIA/PA REQUEST
Case No.: 2009-0176
Date Rec'd: 5-26-09
Specialist: Dennis
Related Case:

May 19, 2009

U.S. Nuclear Regulatory Commission
FOIA/Privacy Act Officer
Mail Stop T-5 F09
Washington, D.C. 20555-0001

Re: *A&M Engineering and Environmental Services, Inc. v. FMRI, Inc., et al.*
Case No. CJ-2006-04430, In the District Court of Tulsa County, Oklahoma
Freedom of Information Act Request for Records

Dear Sir or Madam:

I represent A&M Engineering and Environmental Services, Inc. in a lawsuit related to an NRC-licensed facility (License No. SMB-911) in Muskogee County, Oklahoma, owned by FMRI, Inc. (formerly owned by FMRI's parent company Fansteel, Inc.) The facility has ceased operations and the NRC approved a Decommissioning Plan for the site in 2003. Pursuant to the Freedom of Information Act ("FOIA")(5 U.S.C. 552), I am requesting certain records of the NRC. These records include the following:

- All records, including plans, blueprints, drawings (including design and as-built drawings), reports, correspondence, schematics, data and all other documents, related to the construction of Pond No. 3 and the French drain system associated with Pond No. 3 at the Fansteel site for the years 1977-1982.

For purposes of this request, Pond No. 3 is the retention pond described on pages 2-7 and 2-8 and Table 2-5 of the site Decommissioning Plan, attached hereto.

I am seeking the requested information for the purpose of litigation. I am willing to pay fees for this request up to a maximum $100.00. If you estimate that the fees will exceed this limit, please inform me prior to incurring these fees.

Thank you for consideration of this request. If you have any questions or need additional information, please contact me at the telephone number listed above.

Best regards,

MCDANIEL, HIXON, LONGWELL & ACORD, PLLC

Stacy L. Acord

SLA:jlw
Enc.

cc: Linda Martin, Esq.
A. Scott McDaniel, Esq.
Client

Decommissioning Plan

Fansteel Inc.
Muskogee, Oklahoma Site

Volume 1 of 2

Fansteel Inc.
North Chicago, Illinois

Project No. 6473F
January 15, 2003

Earth Sciences Consultants, Inc.

Providing Environmental Consulting Services Since 1979

were collected were routed to the water treatment system and subsequently discharged into the alkaline ponds for settling and further pH adjustment.

The treated process water was initially routed to Pond Nos. 8 and 9 for precipitation and then to Pond Nos. 6 and 7 for additional clarification. The precipitants utilized in this area were primarily calcium hydroxide and CaF with the occasional minor addition of several metal hydroxides. After physical separation had occurred, the supernatant was discharged through the NPDES-permitted Outfall 001 and the precipitant remained in the ponds.

2.2.3.2 Area II – Chemical "C" Process, Pond Nos. 2 and 3

2.2.3.2.1 Physical Description and Location

Area II is located in the northern portion of the plant site. Included within this area are Chemical "C" Building, acidic Pond No. 3 and the related french drain/sump system, and former acidic Pond No. 2. Outfall 003 discharges surface water from the subject area into the Arkansas River.

Pond No. 3 has a synthetic liner and the other acidic pond was lined with clay. Physical dimensions and construction details for all remaining settling ponds in existence at the site are presented in Table 2-5.

2.2.3.2.2 Description of Past Operations

Storm water runoff in the southeastern area of Pond No. 3 drains into two relatively small catchment basins located to the south and east of the subject pond. The supernatant residues from the WIP placed in these basins had been historically pumped into Pond No. 3 for treatment. Since the Pond No. 3 failure in 1989, water from these ponds has been discharged directly to the treatment plant located in Area V. All other storm water runoff from Area V is channeled to NPDES-permitted Outfall 003 which discharges to the Arkansas River.

Pond No. 3 was designed and constructed as a total retention structure for residues from the WIP produced during the digestion and liquid-liquid exchange processes that occurred in the Chemical "C" Building. Materials stored in the pond include digested ores and slags and fluid comprised of HF and sulfuric acid (H_2SO_4) containing methyl isobutyl ketone (MIBK), heavy metals, and LLR species. Former Pond No. 2, located in the same area as Pond No. 3, accepted the same residues from the WIP which were more recently placed in Pond No. 3.